

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

DWIGHT RUSSELL, et al.,

*Plaintiffs,*

v.

HARRIS COUNTY, TEXAS, et al.,

*Defendants.*

Civil Action No. 4:19-cv-226

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**STATE INTERVENOR’S ANSWER IN INTERVENTION**

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The State of Texas (“State Intervenor”), by and through the Attorney General of Texas, files this Answer in Intervention.

Pursuant to Federal Rule of Civil Procedure 8(b), State Intervenor denies each and every allegation contained in the Second Amended Class Action Complaint (Dkt. 195) except for those expressly admitted herein. The headings and numbered paragraphs below directly correlate to the sections and numbered paragraphs of the Second Amended Class Action Complaint. Those titles and headings are reproduced in this Answer for organizational purposes only, and State Intervenor does not admit any matter contained therein.

**I. Introduction**

1. This paragraph contains Plaintiffs’ characterization of the nature of their lawsuit to which no response is required. To an extent a response is required, State Intervenor denies any allegations in the paragraph.
2. This paragraph contains Plaintiffs’ characterization of the nature of a prior lawsuit to which no response is required. To an extent a response is required, State Intervenor denies the allegations

in the paragraph.

3. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and deny the allegations on that basis. Further, this paragraph contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

4. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and deny the allegations on that basis.

5. State Intervenor denies the allegations in the first sentence of this paragraph. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the remaining allegations in this paragraph and denies the allegations on that basis.

6. This paragraph contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

7. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

8. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

9. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

10. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

11. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations regarding the bail amounts contained in this paragraph and denies the allegations on that basis. State Intervenor denies the remaining allegations in this paragraph.

12. The first sentence of this paragraph contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State

Intervenor denies the allegations. State Intervenor denies the remaining allegations in this paragraph.

13. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

## **II. Related Litigation**

14. State Intervenor admits that *ODonnell v. Harris County*, Case No. 4:16-cv-1414 (S.D. Tex. 2016) is related to the litigation in this case. The remaining statements in this paragraph contain Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

## **III. Nature of Action**

15. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

## **Jurisdiction and Venue**

16. State Intervenor admits the allegations in this paragraph.

17. State Intervenor admits the allegations in this paragraph.

## **Parties**

18. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

19. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

20. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

21. State Intervenor lacks sufficient knowledge or information to form a belief about the truth

of the allegations in this paragraph and denies the allegations on that basis.

22. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

23. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

24. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

25. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

26. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

27. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

28. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

29. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph

contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

30. State Intervenor admits that at the time the Second Amended Complaint was filed, some or all of the named individuals were Harris County District Judges. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in the remainder of this paragraph and denies the allegations on that basis.

31. State Intervenor admits that Judge Chuck Silverman filed a Motion to Intervene. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of Judge Silverman's statements and denies the remainder of this paragraph on that basis.

32. State Intervenor admits that Judge Brian Warren filed a Motion to Intervene. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of Judge Warren's statements and denies the remainder of this paragraph on that basis.

33. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

34. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

35. State Intervenor admits that Harris County District Judges have issued standing orders related to bond. State Intervenor denies the remaining allegations in this paragraph.

36. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

37. State Intervenor lacks sufficient knowledge or information to form a belief about the truth

of the allegations in this paragraph and denies the allegations on that basis.

38. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

39. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

40. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

41. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

42. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

43. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

**Factual Background**

**A. The Named Plaintiffs Are Being Kept In Jail Because they Cannot Afford the Money Bail Required for Their Release, Even Though the Government Has Not Made a Substantive Finding that Detention is Necessary.<sup>1</sup>**

44. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

45. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

46. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

47. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

48. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

49. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

50. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

51. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

52. State Intervenor lacks sufficient knowledge or information to form a belief about the truth

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<sup>1</sup> State Intervenor denies the allegation in this heading.

of the allegations in this paragraph and denies the allegations on that basis.

53. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

54. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

55. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

56. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

57. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

58. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

59. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

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63. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

64. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

65. State Intervenor lacks sufficient knowledge or information to form a belief about the truth



of the allegations in this paragraph and denies the allegations on that basis.

66. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

67. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

68. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

69. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

70. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

71. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

72. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

73. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

74. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

75. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

76. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

77. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

78. State Intervenor lacks sufficient knowledge or information to form a belief about the truth

of the allegations in this paragraph and denies the allegations on that basis.

79. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

**B. Defendants' Post-Arrest Practices Cause the Detention of Arrestees Who Cannot Pay a Money Bail Amount While Those Who Can Pay Are Released<sup>2</sup>**

**i. Arrest and the Initial Money Bail-Setting Process**

80. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

81. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

82. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

83. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

84. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

85. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

86. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

87. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

88. State Intervenor lacks sufficient knowledge or information to form a belief about the truth

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<sup>2</sup> State Intervenor denies the allegation in this heading.

of the allegations in this paragraph and denies the allegations on that basis.

89. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

90. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

91. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

92. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

93. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

94. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

95. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

96. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

97. State Intervenor admits that detained individuals are presumed innocent pending resolution of the charges against them. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the remaining allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

98. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

**ii. Probable Cause Hearings**

99. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

100. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

101. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

102. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

103. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

104. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

105. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

106. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory

statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

107. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

108. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

109. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

110. State Intervenor admits the first sentence of this paragraph. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the remaining allegations in this paragraph and denies the allegations on that basis.

111. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

112. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

**iii. The Use of Personal Bonds**

113. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

114. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

115. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory

statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

116. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

117. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

118. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

**iv. Assignment to a Housing Unit**

119. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

120. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

121. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

122. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

**v. First Appearances**

123. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

124. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

125. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

126. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

127. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

128. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

129. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

130. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

131. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

132. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

**C. The Harris County Jail**

133. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

134. State Intervenor lacks sufficient knowledge or information to form a belief about the truth

of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

135. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

136. State Intervenor admits that the Harris County Commissioners Court created the Harris County Criminal Justice Coordinating Council in 2009. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the remaining allegations in this paragraph and denies the allegations on that basis.

137. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

138. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

139. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

140. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

141. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

142. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

143. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

144. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph



contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

145. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

146. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

**D. Defendants' Wealth-Based Detention Practices Are Causing Plaintiffs' to Be Jailed Solely Due to Their Inability to Pay Bail<sup>3</sup>**

147. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

148. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

149. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

150. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

151. State Intervenor lacks sufficient knowledge or information to form a belief about the truth

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<sup>3</sup> State Intervenor denies the allegation in this heading.

of the allegations in this paragraph and denies the allegations on that basis.

152. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

153. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

154. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

**E. Defendants' Use of Money Bail Is Not Narrowly Tailored—Nor Is It as Effective as Many Other Methods—in Securing Court Attendance or Public Safety<sup>4</sup>**

155. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

156. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

157. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

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<sup>4</sup> State Intervenor denies the allegations in this heading.

158. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

159. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

160. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

161. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

162. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

163. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

164. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

165. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph

contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

166. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

167. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

168. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

169. Admitted.

170. State Intervenor admits that this paragraph quotes statements made by Sheriff Gonzalez on Twitter. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the remaining allegations in this paragraph and denies the allegations on that basis.

171. State Intervenor admits that this paragraph references a news article by the Houston Chronicle. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the remaining allegations in this paragraph and denies the allegations on that basis.

172. State Intervenor admits that GA-13 was issued on March 29, 2020. State Intervenor denies

the remainder of this paragraph.

173. Denied.

174. Denied.

175. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

**Class Action Allegations**

176. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

177. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

178. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

179. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

180. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

**A. Numerosity—Fed. R. Civ. P. 23(a)(1)**

181. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is

required, State Intervenor denies the allegations.

182. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

183. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis. Further, this paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

**B. Commonality—Fed. R.Civ. P. 23(a)(2)**

184. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

185. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

186. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

**C. Typicality—Fed. Civ. P. 23(a)(3)**

187. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

188. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit,

assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

**D. Adequacy—Fed. R. Civ. P. 23(a)(4)**

189. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

190. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

191. State Intervenor admits that Plaintiffs are represented by counsel as stated in this paragraph. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

192. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

193. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

194. State Intervenor lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph and denies the allegations on that basis.

**E. Rule 23(b)(2)**

195. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

196. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

197. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit,

assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

198. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

### **Claims for Relief**

#### **Count One: Defendants Violate Plaintiff's Equal Protection and Due Process Rights by Jailing Them Solely Because They Cannot Afford a Monetary Payment.<sup>5</sup>**

199. State Intervenor incorporates by reference its responses to the allegations in paragraphs 1-155.

200. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

#### **Count Two: Defendants Violate Plaintiffs' Substantive Due Process Right to Pretrial Liberty by Jailing Them Without a Finding That Pretrial Detention is Necessary.<sup>6</sup>**

201. State Intervenor incorporates by reference its responses to the allegations in paragraphs 1-157.

202. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

#### **Count Three: Defendants Violate Plaintiffs' Procedural Due Process Rights**

203. State Intervenor incorporates by reference its responses to the allegations in paragraphs 1-159.

204. This paragraph contains Plaintiffs' characterization of the nature of their lawsuit,

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<sup>5</sup> State Intervenor denies the allegations in this heading.

<sup>6</sup> State Intervenor denies the allegations in this heading.



assertions of law, conclusory statements, and/or argument to which no response is required. To the extent a response is required, State Intervenor denies the allegations.

### **Request for Relief**

The “Request for Relief” section of Plaintiffs’ Class Action Complaint contains Plaintiffs’ recitation of the relief sought in this action, assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that Paragraphs “a” through “g” contain any factual allegations requiring a response, State Intervenor denies the allegations in their entirety and further denies that any relief is appropriate or warranted in this case.

### **STATE INTERVENOR’S PRAYER**

For the foregoing reasons, State Intervenor asks the Court to enter a judgment that Plaintiffs take nothing, dismiss Plaintiffs’ suit with prejudice, and all other relief to which State Intervenor may be justly entitled.

Respectfully submitted.

**KEN PAXTON**

Attorney General of Texas

**BRENT WEBSTER**

First Assistant Attorney General

**GRANT DORFMAN**

Deputy First Assistant Attorney General

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 12th day of September, 2022, a true and correct copy of the foregoing document was transmitted using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

/s/ Kimberly Gdula  
KIMBERLY GDULA